Team: 104

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF STETSON

UNITED STATES OF AMERICA,

Prosecution,

v. CASE NO.: 2023-CR-812

JAMIE LAWTON

Defendant.

DEFENDANT JAMIE LAWTON'S MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION TO SUPPRESS

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INTRODUCTION

Officer Taylor Griffin's warrantless entry and search of defendant Jaime Lawton's home violated Lawton's Fourth Amendment right to be secure "against unreasonable searches and seizures." U.S. Const. amend. IV. The United States Supreme Court has held that "physical entry of the home is the chief evil against which the wording of the Fourth Amendment is directed." *Payton v. New York*, 445 U.S. 573, 585-86 (1980). As such, the evidence procured through the illegal entry and search of Jamie Lawton's residence must be suppressed. For these reasons, this Court should grant movant Jaime Lawton's Motion to Suppress.

STATEMENT OF FACTS

On June 8th, 2023, defendant Jaime Lawton ("Lawton") was in the throes of a severe case of appendicitis while driving home. Griffin Tr. 38. Officer Taylor Griffin ("Officer Griffin") trailed Lawton with patrol lights activated, mistaking Lawton's identity for that of a previous DUI offender, Kevin James. Griffin Tr. 20. Lawton remained oblivious to the pursuit due to the excruciating pain from appendicitis. Griffin Rep. 47. According to Officer Griffin's police report, Lawton never looked back at the officer during the pursuit. *Id*.

Seeking refuge, Lawton parked at a warehouse they had been renovating to serve as their personal residence. Lawton Tr. 61. At the time of the incident, Lawton had resided at the property for about three months. Id. Lawton's renovations thus far included the construction of a kitchen and bedroom. CF 77, Exh. 6. CF 89, Exh. 14. Lawton also

affixed numerous visible signs indicating the warehouse was "private property." CF 86-7, Exh. 11,12.

Unbeknownst to Lawton, their residence was under surveillance due to suspicion of drug trafficking. Vann Tr. 53. Officers were monitoring the property, but did not have sufficient evidence to obtain a search warrant. Vann Tr. 56. As Officer Griffin drove up to the residence while trailing Lawton, Officer Griffin received explicit instructions from fellow officer Samy Vann ("Officer Vann") not to enter the warehouse. Vann Tr. 55.

Lawton then exited their vehicle, bent over grabbing their lower stomach, and walked very quickly over to the door. Griffin Rep. 47. Lawton then used a key to unlock the door and enter the residence. *Id*. Officer Griffin made no effort to stop Lawton from exiting the car and entering the building. Griffin Tr. 31. Officer Griffin approached the door and saw a sign on the door that read "PRIVATE PROPERTY: NO TRESPASSING." Griffin Rep. 47. Officer Griffin did not observe any indication of criminal activity. Griffin Tr. 34. Officer Griffin then entered the warehouse by pushing the door "all the way" open. Vann Tr. 57. Officer Griffin did not announce themself before entering the building. Griffin Tr. 32.

After entering the building, Officer Griffin heard voices thirty yards from the door in Lawton's kitchen. *Id*. Officer Griffin discovered Lawton and Kell Halstead ("Halstead") in the kitchen discussing Lawton's illness. Griffin Tr. 34. Upon encountering Officer Griffin in the kitchen, both Lawton and Halstead implored Officer Griffin to vacate the premises. Lawton Aff. 20; Halstead Aff. 13. Officer Griffin instead

ignored the instructions and proceeded to interrogate Lawton, who Officer Griffin suspected to be under the influence of drugs or alcohol. *Id*.

Lawton winced in pain, doubled over, and told Officer Griffin "I'm really sick, I need a doctor." Griffin Tr. 35. Lawton proceeded to declare "I'm going to call an ambulance for myself. I want you to leave." Griffin Tr. 36. Despite their initial skepticism, Officer Griffin eventually realized Lawton was in need of medical attention and radioed for an ambulance. Griffin Tr. 36.

Officer Griffin also confronted Halstead and noticed them glancing towards a corner of the warehouse. *Id*. Because of Officer Vann's surveillance and instruction not to enter the building, Officer Griffin suspected Lawton's residence could contain drugs or weapons. Griffin Tr. 37. As Lawton was transported to the hospital, Officer Griffin embarked on a search of the warehouse for drugs where Halstead had been glancing. Griffin Tr. 39. Officer Griffin later claimed that the search was necessary despite lacking a warrant, because any drugs in Lawton's residence could theoretically have been destroyed if not found. Griffin Tr. 40. Officer Griffin went out of their way to search the warehouse and found "exactly what [they] thought" by lifting a tarp in a remote corner of the warehouse. CF 78, Exh.7a. Vann Tr. 58. Lifting the tarp revealed 30 pounds of cocaine hidden by Halstead. Griffin Tr. 40. Halstead Tr. 67-8. After Officer Griffin discovered the cocaine Halstead fled the warehouse and was later arrested outside the residence. Griffin Tr. 41.

Officer Griffin then drove to the hospital to request a drug test from Lawton. Griffin Tr. 42. Lawton consented to a blood test, which showed Lawton's blood alcohol

to be .04, less than half of the legal limit of .08. Griffin Tr. 43. Officer Griffin then put a "police hold" on Lawton to notify the hospital that Lawton would be arrested after being discharged from the hospital. *Id*. Lawton then underwent an emergency appendectomy surgery and was later discharged from the hospital. Lawton Tr. 65. Griffin Tr. 43.

ARGUMENT

I. OFFICER GRIFFIN'S SURPRISE ENTRANCE INTO LAWTON'S RESIDENCE VIOLATED THE FOURTH AMENDMENT BECAUSE LAWTON HAD A REASONABLE EXPECTATION OF PRIVACY, OFFICER GRIFFIN LACKED PROBABLE CAUSE, AND EXIGENT CIRCUMSTANCES WERE NOT PRESENT

A. Jaime Lawton had a reasonable expectation of privacy when they entered their home to deal with their rupturing appendix and told Officer Griffin to leave

The expectation of privacy is a two-pronged analysis, originating from *Katz v. United States*, 389 U.S. 347 (1967). First, the individual must exhibit an actual, subjective expectation of privacy. Second is an objective test of whether the expectation is one that society is prepared to recognize as reasonable.

In *Katz*, Charles Katz was using a public payphone booth to transmit illegal gambling wagers, and the government placed a wiretap on the outside of the phone booth to monitor his conversations. The Supreme Court held that Fourth Amendment protections apply when an individual exhibits a reasonable expectation of privacy, through actions like "shutting the door behind [them]," even in a public place like a phone booth. *Katz*, 389 U.S. 347, 352 (1967); *Rios* v. *United States*, 364 U.S. 253 (1960).

Lawton's actions of renovating the warehouse into a home, living there for three months, using a key to open the door, and closing the door after entering, demonstrate an

actual expectation of privacy. Renovations including a kitchen, bedroom, and private property signage suggest an ongoing effort to create a living environment, emphasizing the expectation that this space would be free from unauthorized intrusions. The United States Supreme Court has long recognized the sanctity and privacy of one's home and other private spaces. See *Payton*, 445 U.S.; *Minnesota v. Carter*, 525 U.S. 83, 89 (1998) (affirming that even an overnight guest demonstrates a protected expectation of privacy).

Lawton's express request for Officer Griffin to leave the warehouse conveyed Lawton's actual expectation of privacy within the premises. Upon realizing Griffin's surprise entry, Lawton's first statements to Griffin were "...I'm really sick, I need a doctor." Tr. Griffin, 35. followed by "...I'm going to call an ambulance for myself. I want you to leave." Tr. Griffin, 36. During this forced interaction, Lawton was wincing in pain and doubling over. Officer Griffin refused to leave, further demonstrating the disregard for Lawton's Fourth Amendment-protected privacy interests.

Considering Lawton's months-long efforts to create a private living space and request for Officer Griffin to leave, it is reasonable to conclude that Jaime Lawton had a legitimate expectation of privacy in their residence.

B. Officer Griffin lacked probable cause to enter Lawton's residence

Officer Griffin's initial suspicion of Lawton driving under the influence does not justify the officer's subsequent entry into the warehouse. Lawton was not operating a vehicle when the search occurred, and there was no immediate indication of criminal activity justifying a warrantless entry.

In the context of the Fourth Amendment, probable cause refers to the reasonable belief that a crime has been committed or is being committed, and that evidence of the crime can be found in a particular location. *Illinois v. Gates*, 462 U.S. 213 (1983). In this case, the officers' suspicion of Jaime Lawton being under the influence does not provide sufficient grounds for probable cause to enter Lawton's residence. Probable cause requires more than a mere suspicion or hunch; it demands facts and circumstances that would lead a reasonable person to believe that a crime has occurred or is in progress. *Brinegar v. United States*, 338 U.S. 160 (1949). This standard serves as a crucial safeguard against unwarranted entry, upholding individuals' rights to privacy.

In the case of Jaime Lawton, Officer Griffin initially suspected Lawton of driving under the influence. While this might provide a basis for initiating a traffic stop or further investigation related to driving, it does not automatically extend to entering Lawton's residence, especially without a warrant. The Fourth Amendment requires a specific and particularized nexus between the suspected crime and the place to be searched. *Coolidge v. New Hampshire*, 403 U.S. 443 (1971).

Lawton already parked their vehicle and entered the warehouse, which is a separate space from the vehicle. The suspicion of DUI lacks a direct connection to the warehouse or the suspicion of criminal activity within the warehouse. Even if Lawton had been driving under the influence, that suspicion wouldn't provide probable cause to believe that evidence of DUI or any other crime would be found within the warehouse itself.

C. *Officer Griffin's warrantless entry and subsequent search arbitrarily violated Lawton's Fourth Amendment right because exigent circumstances did not exist that would justify the intrusion*

To establish the presence of exigent circumstances justifying a warrantless entry into a home, law enforcement must demonstrate that a situation requires swift action to prevent imminent danger, escape of suspects, destruction of evidence, or a similar urgency that would make obtaining a warrant impractical. *Mincey v. Arizona*, 437 U.S. 385, 394 (1978). In *Mincey*, police heard a shooting at an apartment and initiated a warrantless search within ten minutes. While the investigation pertained to a homicide, it is crucial to note that no immediate or pressing circumstances existed. The petitioner sustained injuries and was promptly transported to a hospital, eliminating any imminent risk of evidence loss, destruction, or removal during the interval needed to secure a search warrant. Further, the Court noted the presence of a police guard stationed at the apartment effectively minimized such potential risks. It is essential to underscore that the gravity of the offense under investigation, even being a homicide, did not in itself create the type of urgent circumstances that would justify an entry without a warrant. Therefore under *Mincey*, investigating a DUI cannot be the basis for a warrantless entry absent exigent circumstances.

Exigent circumstances are not present here. First, the situation lacked an immediate threat. There is no indication of an immediate threat to public safety or the safety of others. Neither Officer Griffin nor Lieutenant Vann report feeling threatened.

Second, there is an absence of impending escape. Lawton was hunched over in pain seeking shelter due to appendicitis and ultimately transported to the hospital. Additionally, officers were outside the warehouse monitoring the premises. On point with the petitioner in *Mincey* being hospitalized and the police guard stationed outside, this Court should similarly find the absence of imminent escape in the case at bar.

Third, there is no indication of the likelihood of evidence destruction. Lieutenant Vann and additional law enforcement surveillance were already present at the location. Like in *Mincey*, where the Court found that a police guard at the apartment minimized the possibility of evidence destruction, the same is true of Lieutenant Vann's presence at the scene. Lieutenant Vann explained that with "long-term DEA investigations" like the one here, officers "always get the warrant…" Vann Tr. 53. Thus, the officers here likely could have obtained a warrant if circumstances warranted.

In this case, the circumstances did not demand immediate action that would have made obtaining a warrant impractical. Law enforcement had time to evaluate the situation, consult with fellow officers, and seek a warrant if they believed there was a basis for a search. Given the absence of an immediate threat to public safety, the lack of indications of escape or evidence destruction, and the availability of law enforcement on the scene, exigent circumstances were not present. The circumstances clearly did not require an immediate warrantless entry. Thus, the government's argument for exigent circumstances as a basis for bypassing the warrant requirement should find no solace under the law.

In concluding this issue, the evidence obtained by Officer Griffin during the search of the warehouse should be suppressed due to the unconstitutional entry. Officer Griffin's conduct gravely undermined the foundational principles and procedural requirements of the Fourth Amendment, designed to safeguard against unwarranted government intrusions into private spaces. The lack of exigent circumstances, disregard for privacy expectations, and the resultant tainting of evidence all contribute to the argument that the evidence should be excluded from the proceedings.

II. OFFICER GRIFFIN'S SEARCH OF LAWTON'S RESIDENCE VIOLATES THE FOURTH AMENDMENT BECAUSE IT WAS THE FRUIT OF AN EARLIER ILLEGAL SEARCH AND BECAUSE IT WAS A WARRANTLESS SEARCH FOR WHICH THERE IS NO APPLICABLE EXCEPTION

Officer Griffin discovered Halstead's cocaine at Lawton's residence by illegally entering Lawton's residence, then searching the residence without a warrant. Thus, the evidence gathered from the search is inadmissible because (A) it is the "fruit" of an earlier illegal act, and (B) it was an illegal, warrantless search. Either of these reasons for exclusion are sufficient for suppression.

A. Evidence Obtained From the Illegal Search of Lawton's Residence Is Inadmissible "Fruit of the Poisonous Tree" From Officer Griffin's Illegal Entry Into the Residence

The Fourth Amendment's exclusionary rule prohibits the introduction of all evidence derived from an illegal search, known as the "fruit of the poisonous tree." *United States v. Hernandez*, 670 F.3d 616, 620 (5th Cir. 2012). Thus, if police conduct one illegal search and, on the basis of that first search, conduct a second search and seize physical evidence, the seized evidence is a "fruit" of the initial wrongful search and must

be suppressed. *United States v. Paroutian*, 299 F.2d 486 (2d Cir. 1962). The exclusionary rule encompasses both evidence obtained as a direct result of an illegal search and evidence later discovered which is derived from the illegal search. *Utah v. Strieff*, 579 U.S. 232 (2016). Alternatively, the burden is on the government to prove that the tainted evidence had an independent origin, separate from the illegal first search. *United States v. Crouch*, 528 F.2d 625 (7th Cir. 1976).

Here, Officer Griffin's entrance into Lawton's residence violated Lawton's Fourth Amendment rights and was therefore an illegal entry, as discussed above. After illegally entering Lawton's residence Officer Griffin encountered Halstead, who Officer Griffin observed looking towards a specific area of the residence. Officer Griffin then conducted a search of the residence because of this information gathered during the illegal entry. Thus, because this search of the residence only occurred as a derivative of the illegal entry into the residence, any evidence from the search of Lawton's residence is the "fruit" of the illegal entry. Because this evidence is from an illegal source it was improperly obtained and therefore must be suppressed.

B. There Is No Exception Which Would Render Officer Griffin's Warrantless Search Legal

In addition to the illegal entry, Officer Griffin had no warrant to search Lawton's residence. Warrantless searches violate a defendant's Fourth Amendment rights unless the government can demonstrate that an "established, well-defined exception" applies. *United States v. Murphy*, 516 F.3d 1117, 1120 (9th Cir. 2008). The government bears "a heavy burden" of demonstrating that exceptional circumstances justify an exception to

the warrant requirement. *United States v. Delgadillo-Velasquez*, 856 F.2d 1292, 1298 (9th Cir. 1988).

Courts have allowed warrantless searches where: (1) consent was given, (2) the search is incidental to lawful arrest, or (3) there is probable cause to believe a felony has been committed. 5 Am. Jur. Trials 331 § 5 (1966). In addition to these exceptions, warrantless searches have also been allowed under the doctrine of exigent circumstances where there is an urgent need to perform a search for some other reason. *United States v. Martinez*, 406 F.3d 1160, 1164 (9th Cir. 2005).

1. Officer Griffin Did Not Obtain Consent to Search Lawton's Residence

Where a person voluntarily consents to a search, it can be conducted without a warrant. *Schneckloth v. Bustamonte*, 412 U.S. 218 (1973). To be effective, a verbal consent to search must also be "unequivocal and specific." *United States v. Butler*, 966 F.2d 559, 562 (10th Cir. 1992). Further, the government bears the burden of proving an effective consent to the search, and the scope of that consent must be measured against a standard of objective reasonableness. *United States v. Whitten*, 706 F.2d 1000, 1016 (9th Cir. 1983); *Florida v. Jimeno*, 500 U.S. 248, 251 (1991). Moreover, the government's burden is heaviest when attempting to prove consent to search a home. *United States v. Shaibu*, 920 F.2d 1423, 1426 (9th Cir. 1990).

Here, neither Lawton nor Halstead consented to Officer Griffin's search of Lawton's home. To the contrary, both Lawton and Halstead told Officer Griffin to leave.

Thus, Officer Griffin did not obtain consent to search Lawton's residence and the warrantless search is not permissible through consent.

2. Officer Griffin's Search Could Not Be Incident to a Lawful Arrest Because Neither Lawton nor Halstead Had Been Arrested Yet

It is well settled law that upon a lawful arrest, the person of the accused may be searched. *Beck v. State of Ohio*, 379 U.S. 89, 91 (1964). However, this search is limited in scope to the person and their immediate vicinity. *See generally Shipley v. California*, 395 U.S. 818, 819 (1969) (holding that after arresting a suspect as he exited his car outside his home, the search of the home was not "incident to his arrest" and was therefore unconstitutional). Moreover, the Supreme Court has made it clear that a search cannot be "incident to" an arrest where the search occurs before the arrest. *Taylor v. United States*, 286 U.S. 1, 6 (1932); *See also United States v. Lefkowitz*, 285 U.S. 452, 467 (1932).

Here, the search of Lawton's residence fails both the location and timing requirements to be "incident to" an arrest. First, the search occurred before Lawton was in police custody. Officer Griffin searched Lawton's residence as Lawton was being transported to the hospital. Lawton was not placed into custody until after they were discharged from the hospital following an emergency surgery. Thus, Lawton was not in custody until well after the search. Even applying a broad reading of "arrest" to assume that Lawton was under arrest when Officer Griffin put a police hold on them at the hospital, the hold was issued after Officer Griffin drove to the hospital following the

search and requested a blood draw from Lawton. Therefore, under any interpretation of "arrest" Lawton was not under arrest until well after Officer Griffin's warrantless search.

Second, the search also occurred before Halstead was arrested. Halstead fled once Officer Griffin discovered the cocaine during the search, then was caught moments later outside of Lawton's residence. Halstead's flight and subsequent arrest was in response to the search that had already occurred. Thus, Halstead was also not under arrest until after the warrantless search.

Finally, the two arrests occurred at different locations than the search, the hospital and outside of Lawton's residence, respectively. Moreover, as noted in *Shipley*, even an arrest just outside of a residence is not "incident to" a search inside that residence. *Shipley*, 395 U.S. at 819. Thus, because these arrests were both at different locations from the search of Lawton's residence, they fail the location requirement of a search "incident to" an arrest. As such, because the search occurred before Halstead or Lawton were arrested and at a different location than the arrests, the search could not have been "incident to" either arrest.

3. Officer Griffin Lacked Probable Cause to Search Lawton's Residence

Physical entry of the home "is the chief evil against which the wording of the Fourth Amendment is directed." *Payton*, 445 U.S. at 585. Nonetheless, courts have upheld some searches without a warrant where there is probable cause to investigate a crime. *Florida v. Harris*, 568 U.S. 237, 243-44 (2013); *see also Brinegar*, 338 U.S. at 175.

Due to Officer Vann's surveillance of Lawton's property, Officer Griffin had suspicions that the residence could be hiding drugs. This belief was furthered by Halstead's repeated glances towards a specific corner of the building while confronting Officer Griffin. However, probable cause requires more than a mere suspicion or hunch. *Brinegar*, 338 U.S. at 175-76. Further, courts hold private residences to a higher standard than fields, vehicles, or offices where probable cause is the only justification for a warrantless search. *See also United States v. Gooch*, 6 F.3d 673, 676-77 (9th Cir. 1993) (holding that even a tent is a sufficient residence to give the defendant an elevated expectation of privacy under the Fourth Amendment). Hence, the mere suspicion of drugs and a few glances from Halstead are insufficient probable cause to outweigh the violation of Lawton's Fourth Amendment rights to the privacy of the residence.

Furthermore, Lawton's residence was already under surveillance by Officer Vann's team, but Officer Vann did not have sufficient evidence to obtain a search warrant for the residence. This lack of sufficient evidence for a warrant supports a finding of insufficient probable cause to search Lawton's residence. Conversely, where an official has an opportunity to procure a warrant and fails to do so, a warrantless search is invalid. *Chapman v. United States*, 365 U.S. 610, 613 (1961). This creates a catch-22: either (a) the government had insufficient probable cause for a warrantless search and the search was a violation of Lawton's Fourth Amendment rights, or (b) there was sufficient probable cause to justify a warrant but the government instead performed an invalid warrantless search like in *Chapman*. As such, the warrantless search cannot be excused regardless of whether Officer Griffin had probable cause.

4. Officer Griffin's Search Fails to Satisfy the Exigent Circumstances Doctrine Because No Evidence Was Being Destroyed, No Officer Was in Danger, and the Search Was Not Motivated by Response to an Emergency

Where time is of the essence, "exigent circumstances" can allow otherwise inadmissible evidence from a warrantless search to avoid suppression. *Martinez*, 406 F.3d at 1164. Exigent circumstances are those which would cause a reasonable person to believe that entry was necessary to prevent (1) the destruction of evidence, (2) harm to the officers or others, or (3) some other consequence that would improperly frustrate law enforcement efforts. *United States v. McConney*, 728 F.2d 1195, 1199 (9th Cir. 1984). In any of these scenarios, there must be a substantial risk that would arise if a search were to be delayed until a warrant could be obtained. *United States v. Reid*, 226 F.3d 1020, 1027-28 (9th Cir. 2000).

First, exigent circumstances may exist where officers observe activity consistent with the destruction of evidence. *Kentucky v. King*, 563 U.S. 452, 462 (2011). In *Kentucky v. King*, officers following a suspected drug dealer to an apartment, knocked loudly to announce their presence, then heard sounds consistent with flushing drugs down a toilet. *Id* at 1851. The court held that because the officers observed signs of the destruction of evidence before searching the apartment, no Fourth Amendment rights were violated. *Id* at 1863.

Kentucky v. King is distinguished from Officer Griffin's search of Lawton's residence because Officer Griffin did not observe any signs that evidence was being destroyed. Officer Griffin had a mere suspicion that if there were drugs at Lawton's

residence and if Officer Griffin left, evidence of those theoretical drugs may have been destroyed. However, the mere suspicion that evidence may be destroyed is insufficient; the destruction of evidence must be imminent to garner an exigent circumstances exception. *Missouri v. McNeely*, 569 U.S. 141, 149 (2013). Accordingly, Officer Griffin's warrantless search is not excused due to the theoretical risk of destruction of evidence.

Second, to prevent harm to an officer from weapons or combatants, an officer may perform a "protective sweep" of an otherwise unsearchable area. *Maryland v. Buie*, 494 U.S. 325, 334-336 (1990). In a protective sweep, the officer searches with limited scope only to ensure their own safety. *Id*. Here, Officer Griffin claims that they suspected the residence could contain weapons. Although Officer Griffin would be permitted to perform a limited search of the residence as a "protective sweep" to ensure their own safety, Officer Griffin did not search for weapons. Per Officer Griffin's own words, Officer Griffin was looking for drugs and found "exactly what I thought," cocaine. Thus, even if Officer Griffin had probable cause to search the residence for dangers to themself, they instead performed an impermissible search for evidence, not a permissible "protective sweep." Accordingly, the warrantless search is not excused due to an effort to prevent harm to an officer or others.

Finally, under the emergency doctrine, exigent circumstances can exist where an officer discovers illegal activity while acting within the scope necessary to respond to an emergency. *United States v. Cervantes*, 219 F.3d 882, 888 (9th Cir. 2000). The emergency doctrine has three elements: (1) the officer must reasonably believe there is an

emergency at hand and immediate assistance is needed to protect life or property, (2) the search must not be primarily motivated by an intent to seize evidence, and (3) there must be a reasonable basis to associate the emergency with the place being searched. *Martinez*, 406 F.3d at 1164.

Here, although Officer Griffin was initially suspicious of Lawton's condition, they eventually radioed for an ambulance. Officer Griffin's actions demonstrate a reasonable belief that assistance was needed, thereby satisfying the first element of the emergency doctrine. However, as discussed above, after Lawton was taken by the paramedics Officer Griffin searched Lawton's residence with an intent to find and seize illegal drugs. As such, the second element of the emergency doctrine fails because the primary motive of the search was to seize evidence. Although an emergency did take place which required Lawton's hospitalization, Officer Griffin went out of their way to search for drugs while Lawton was being transported to the hospital. Thus, there is no reasonable basis to associate Lawton's appendicitis to Officer Griffin's search for drugs. Accordingly, the third element of the emergency doctrine also fails and the appendicitis did not create exigent circumstances. Officer Griffin's warrantless search is therefore not excused due to exigent circumstances.

C. The Fourth Amendment's Exclusionary Rule Requires the Evidence Seized as a Result of the Illegal Search to Be Suppressed

The exclusionary rule is a constitutionally-based remedy that prohibits the government from introducing evidence of guilt obtained through violations of the Fourth Amendment. *United States v. Leon*, 468 U.S. 897, 906 (1984). Accordingly, the products

of an unreasonable search must be suppressed. *Wong Sun v. United States*, 371 U.S. 471, 484 (1963).

Lawton's Fourth Amendment rights have been violated both because (A) the warrantless search of Lawton's residence was the product of an illegal entry, and (B) there is no exception which permits this warrantless search of Lawton's residence. Therefore, under the exclusionary rule the evidence gathered from Officer Griffin's illegal, warrantless search of Lawton's residence must be suppressed to protect Lawton's Fourth Amendment rights.

CONCLUSION

Officer Griffin's illegal entry and search of Lawton's residence breached Lawton's Fourth Amendment right against unreasonable searches and seizures. First, Officer Griffin lacked probable cause to enter Lawton's residence for a suspected DUI. Exigent circumstances, a narrow exception to the warrant requirement for entry, were also notably absent. The lack of an immediate threat, the absence of evidence destruction, and the ready availability of law enforcement on the scene also rendered a warrantless entry inappropriate and illegal.

Further, the subsequent search of Lawton's residence and the discovery of the evidence in that search were tainted by the initial illegal entry. This illegally obtained evidence is thus inadmissible as the "fruit of the poisonous tree." Moreover, Officer Griffin lacked consent, did not conduct the search incident to a lawful arrest, and failed to

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establish probable cause for the search. For the foregoing reasons, Jaime Lawton respectfully requests that this Court grant the Motion to Suppress.

Dated: September 4, 2023

Respectfully Submitted,
/s/ Team 104
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Attorneys for the Defendant